

### **DETAILED ACTION**

1. This office action is responsive to the amendment filed on 3/23/2010. As directed by the amendment: claims 1, 4, 7, 9, and 18-21 have been amended, claims 2, 11, 13 and 16 have been cancelled and claims 22-30 have been added. Thus, claims 1, 4-7, 9, 10, 15 and 18-30 are presently pending in this application.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. The application has been amended as follows: amend the title to recite

a. -- LAYERED GRIPPING MEMBER FOR A WRITING INSTRUMENT --.

4. Authorization for the following examiner's amendment was given in a telephone interview with counsel for Applicant, Mr. Andrew St. Clair, on 6/17/2010. The application has been amended as follows:

5. In the Claims:

a. In Claim 1, Line 18: after "the outer member tapering", insert --from a location adjacent to the first distal end--.

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- b. In Claim 10, Line 2: delete the term “part”, and substitute --length--.
- c. In Claim 10, Line 2: after “of the outer member”, insert --extending from the location adjacent to the first distal end to the second distal end--.
- d. In Claim 27, Line 1: delete “a part of”.
- e. In Claim 27, Line 2: delete “corresponding to the inner member”.
- f. CANCEL Claim 30.

6. In the Specification: Examiner note -- the following amendments are directed to the substitute specification as filed on 6/3/2009.

- a. On page 8, Line 26: after “facilitating shapes)”, insert --As seen in Figs. 1 and 2, the front end of the outer member has a greater wall thickness than the back end thereof, such that the outer member tapers from front to back.--.
- b. On page 10, Line 19: after “inner member 14”, insert --As seen in Figs. 3 and 4, the front end of the outer member has a greater wall thickness than the back end thereof, such that the outer member tapers from the annular protrusion 20 to the back end.--.

#### ***Allowable Subject Matter***

- 7. Claims 1, 4-7, 9, 10, 15 and 18-29 are allowed.
- 8. The following is an examiner’s statement of reasons for allowance:
- 9. Regarding independent Claims 1 and 22, a search of the prior art by the Examiner concluded in a finding that the most closely related prior art was Petrillo (US

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Patent H001050), Baudino (WIPO Publication WO 01/32439), Kobayashi (US Patent 4,819,939) and Kwitek (US Patent 6,447,190). An examination of these prior art references revealed that none of these references discloses, teaches or suggests, either alone or in combination with one another:

- a. a dual-layered gripping member comprising an outer member covering an inner member;
- b. wherein the outer member and the inner member each comprise at least one characteristic that tapers over the entire, or substantially entire, length of the individual members; and
- c. wherein the individual members are oriented such that the tapering characteristics of the individual members are tapered in opposing directions relative to one another.

10. While a further search of the prior art revealed Chadwick (US Patent 6,652,941), which teaches a dual-layered gripping member wherein the individual members may taper in any of thickness, outer diameter, or inner diameter; independent of one another (Column 6, Lines 41-46), it is the Examiner's opinion that the teachings of Chadwick cannot reasonably support a finding that it would have been obvious to provide the individual members with tapered characteristics specifically in opposing directions, as required by the limitations of independent Claims 1 and 22, absent improper hindsight based on Applicant's own disclosure.

11. Regarding dependent Claims 4-7, 9, 10, 15 and 18-29, these claims being further limiting to the independent Claims 1 and 22 and enabled by the specification are likewise allowed for the reasons stated above.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Varnum whose telephone number is (571) 270-7853. The examiner can normally be reached on Monday - Friday, 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. A. V./  
Examiner, Art Unit 3751

/Gregory L. Huson/  
Supervisory Patent Examiner, Art  
Unit 3751